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Ser. No. 09/576989 Atty, Docket No. 56029-4356

CERTIFICATE OF FACSIMILE

I hereby certify that this document is being transmitted to the U.S. Patent and Trademark Office via acsimile to 703-872-9306 on March 3, 2005.

David B. Jinkins

Attorney for Applicant(s) Registration No.: 48,805

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/576,989

Rice et al.

Group No.:

1648

Examiner:

Lucas, Zachariah.

Art Unit: 1648

Status of Application: Pending

For:

HCV Variants

Atty. Docket No.:

56029-4356

Commissioner of Patents and Trademarks P.O. Box 1450

Alexandria, VA 22313-1450

Statement of Substance of Interview under 37 C.F.R. § 1.133 (b)

Participants:

1) Zachariah Lucas

2) James Housel

3) David B. Jinkins (Reg. No. 46,805)

4) Charles P. Romano

Date:

February 28, 2005

Type:

Telephonic

Exhibit shown:

No

Claims Discussed: Pending and Proposed

Art Discussed:

US Patent No. 6,630,343 (Bartenschlager)

3083565

- 1 -

Ser. No. 09/576989 Atty. Docket No. 56029-4356

Statement of Substance of Interview under 37 C.F.R. § 1.133

Substance of Interview:

Examiners indicated that proposed amendments to Claim 1 and new Claim 90 that respectively specify the mutations of previously pending Claims 14 and 17 as well as the HCV subtype 1b are in condition for allowance. Examiners further indicated that the 35 U.S.C. §102(e) and 35 U.S.C. §102(e) /§103 rejections over the Bartenschlager US Patent No. 6,630,343 could be overcome by the proposed claim amendments alone and that it would not be necessary to enter any antedating affidavit.

With respect to proposed claims directed to "non-human transgenic" organisms, Examiner Housel expressed concern as his Unit does not routinely deal with applications directed to transgenic organisms. Applicant presented arguments that the specification provides ample guidance for obtaining transgenic organisms expressing HCV variant sequences and that transgenic organisms are routinely generated by contract University laboratories. Examiners concluded that examination of claims directed to transgenic organisms would more appropriately be handled by Technology Unit 1632 and recommended that the proposed claims directed to non-human transgenic organisms be submitted as is to obtain a Restriction Requirement. However, Examiners did indicate that they would consider proposed claims in the currently pending application that are directed to isolated host cells engrafted in a host organism.

Respectfully submitted,

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